IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

JOAN O'MEARA, guardian for	
CYNTHIA SUSAN O'MEARA, a	
protected person, et. al.,	8:09CV0157
)
Plaintiffs,)
V.) MEMORANDUM AND ORDER)
DAVE HEINEMAN, Governor, State	,)
of Nebraska, et. al,	
)
Defendants.)

The defendants have filed a motion to dismiss. In response, the plaintiffs filed a motion for leave to file an amended complaint, (filing no. <u>17</u>), stating the proposed amended complaint will clarify and correct the plaintiffs' original complaint, and will render the defendants' pending motion to dismiss moot. The defendants do not oppose the plaintiffs' motion to amend. Accordingly,

IT IS ORDERED:

- 1) The plaintiffs' motion to amend, (filing no. <u>17</u>), is granted.
- 2) The plaintiffs' amended complaint, a copy of which is attached to their motion, shall be filed on or before July 27, 2009.
- 3) The defendants' motion to dismiss, (filing no. $\underline{15}$), is denied as moot.

DATED this 20th day of July, 2009.

BY THE COURT:

Richard G. Kopf

United States District Judge